

ESTTA Tracking number: **ESTTA240862**

Filing date: **10/06/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	HBI Branded Apparel Enterprises, LLC
Granted to Date of previous extension	10/05/2008
Address	1000 East Hanes Mill Road Winston-Salem, NC 27105 UNITED STATES
Attorney information	Randel S. Springer, Esq. Womble Carlyle Sandridge Rice PLLC 1 West Fourth Street Winston-Salem, NC 27101 UNITED STATES trademarkswinston@wcsr.com, rspringer@wcsr.com, jwharton@wcsr.com, tsharpe@wcsr.com Phone:336-721-3747

### Applicant Information

Application No	78948106	Publication date	04/08/2008
Opposition Filing Date	10/06/2008	Opposition Period Ends	10/05/2008
Applicant	Play Like A Champion Today, Inc. 25873 Rye Court South Bend, IN 46628 UNITED STATES		

### Goods/Services Affected by Opposition

Class 009. First Use: 2005/09/30 First Use In Commerce: 2005/09/30 All goods and services in the class are opposed, namely: Mouse pads
Class 019. First Use: 1994/06/30 First Use In Commerce: 1994/06/30 All goods and services in the class are opposed, namely: Non-luminous, non-mechanical signs not of metal
Class 020. First Use: 1994/06/30 First Use In Commerce: 1994/06/30 All goods and services in the class are opposed, namely: Picture frames ; Plastic key rings
Class 021. First Use: 1994/06/30 First Use In Commerce: 1994/06/30 All goods and services in the class are opposed, namely: Mugs; Stained glass
Class 024. First Use: 1994/06/30 First Use In Commerce: 1994/06/30 All goods and services in the class are opposed, namely: Cloth flags; Towels
Class 025. First Use: 1994/06/30 First Use In Commerce: 1994/06/30 All goods and services in the class are opposed, namely: Hats; Shirts

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	274178	Application Date	02/18/1930
Registration Date	08/19/1930	Foreign Priority Date	NONE
Word Mark	CHAMPION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U039 (International Class 025). First use: First Use: 1918/06/00 First Use In Commerce: 1918/06/00 HOSIERY		

U.S. Registration No.	584362	Application Date	03/16/1953
Registration Date	01/05/1954	Foreign Priority Date	NONE
Word Mark	CHAMPION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U022 (International Class 016, 018, 020, 022, 025, 028). First use: First Use: 1928/03/00 First Use In Commerce: 1928/03/00 [ HANDBALL GLOVES, GOLF GLOVES, ] SKIING GLOVES, [ AND HUNTING GLOVES ]		

U.S. Registration No.	1183887	Application Date	02/11/1980
Registration Date	12/29/1981	Foreign Priority Date	NONE
Word Mark	IT TAKES A LITTLE MORE TO MAKE A CHAMPION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1967/01/01 First Use In Commerce: 1967/01/01 Athletic and Physical Education Uniforms-Namely, T-Shirts, Knit Sport Shirts, Athletic Shorts, Sweat Shirts, Sweat Pants, Warm-Up Suits, Jackets and Sweaters		

U.S. Registration No.	1756925	Application Date	04/24/1990
Registration Date	03/09/1993	Foreign Priority Date	NONE
Word Mark	CHAMPION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1969/00/00 First Use In Commerce: 1969/00/00		

	pants and shorts		
U.S. Registration No.	1775283	Application Date	06/06/1990
Registration Date	06/08/1993	Foreign Priority Date	NONE
Word Mark	CHAMPION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1969/00/00 First Use In Commerce: 1969/00/00 swimwear		
U.S. Registration No.	1819014	Application Date	10/08/1992
Registration Date	02/01/1994	Foreign Priority Date	NONE
Word Mark	CHAMPION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1992/06/29 First Use In Commerce: 1992/06/29 underwear and undershirts		
U.S. Registration No.	1828930	Application Date	09/14/1992
Registration Date	03/29/1994	Foreign Priority Date	NONE
Word Mark	CHAMPION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1963/12/31 First Use In Commerce: 1963/12/31 clothing; namely, bathrobes, sleepwear, coverups, bras, parkas, and aerobic wear (tops and bottoms)		
U.S. Registration No.	1860938	Application Date	11/18/1992
Registration Date	11/01/1994	Foreign Priority Date	NONE
Word Mark	CHAMPION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 1970/12/31 First Use In Commerce: 1970/12/31 travel bags, athletic bags, and backpacks Class 022. First use: First Use: 1970/12/31 First Use In Commerce: 1970/12/31 [laundry bags] Class 025. First use: First Use: 1969/12/31 First Use In Commerce: 1969/12/31		

	shirts, vests, shorts, windwear tops and bottoms, athletic uniforms, replica athletic jerseys, singlets and tights, belts, headbands, and wristbands
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U.S. Registration No.	1886122	Application Date	09/02/1993
Registration Date	03/28/1995	Foreign Priority Date	NONE
Word Mark	IT TAKES A LITTLE MORE TO MAKE A CHAMPION.		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1992/06/30 First Use In Commerce: 1992/06/30 underwear and socks		

U.S. Registration No.	2004276	Application Date	09/14/1995
Registration Date	10/01/1996	Foreign Priority Date	NONE
Word Mark	CHAMPION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1992/10/31 First Use In Commerce: 1992/10/31 socks		

U.S. Registration No.	2072524	Application Date	08/04/1995
Registration Date	06/17/1997	Foreign Priority Date	NONE
Word Mark	THE CHAMPION PERFORMANCE PROMISE C		
Design Mark			
Description of Mark	The mark consists, in part, of a stylized "C".		
Goods/Services	Class 025. First use: First Use: 1995/07/03 First Use In Commerce: 1995/07/03 socks		

U.S. Registration No.	2319994	Application Date	11/12/1996
Registration Date	02/22/2000	Foreign Priority Date	NONE
Word Mark	CHAMPION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1952/12/31 First Use In Commerce: 1952/12/31 physical education uniforms, athletic uniforms, sweatshirts, sweatpants, [ sweaters, ] T-shirts, socks, shorts, pants, jerseys, bathrobes, sleepwear, coverups, bras, parkas, tops and bottoms for use in aerobics, shirts, warm-up suits, jackets, vests, wind resistant pants and jackets, replica athletic jerseys, singlets, tights, belts, headbands, wristbands, underwear, hats, caps, tank tops		

U.S. Registration No.	2357827	Application Date	05/03/1995
Registration Date	06/13/2000	Foreign Priority Date	NONE
Word Mark	CHAMPION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2000/01/12 First Use In Commerce: 2000/01/12 sunglasses		

U.S. Registration No.	2370478	Application Date	02/09/1999
Registration Date	07/25/2000	Foreign Priority Date	NONE
Word Mark	CHAMPION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1998/11/01 First Use In Commerce: 1998/11/01 lanyards for use in holding eyeglasses, identification badges and keys		

U.S. Registration No.	2388031	Application Date	05/24/1996
Registration Date	09/19/2000	Foreign Priority Date	NONE
Word Mark	CHAMPION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2000/01/12 First Use In Commerce: 2000/01/12 non-protective and non-safety eyewear, namely, eyeglasses and sunglasses		

U.S. Registration No.	2460374	Application Date	08/30/1999
Registration Date	06/12/2001	Foreign Priority Date	NONE
Word Mark	CHAMPION LYTE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2000/05/07 First Use In Commerce: 2000/05/07 sports drinks, sugar-free sports drinks, non-carbonated soft drinks and sugar-free non-carbonated soft drinks		

U.S. Registration No.	2487854	Application Date	08/27/1997
Registration Date	09/11/2001	Foreign Priority Date	NONE

Word Mark	CHAMPION WOMAN
Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1998/01/23 First Use In Commerce: 1998/01/23 sports bras, sports tops, ankle tights, leggings, bike shorts, T-shirts, jersey shorts, jersey pants, sweatshirts, sweatpants, wind jackets, wind pants, swimwear, running shorts

U.S. Registration No.	2607910	Application Date	10/26/1999
Registration Date	08/13/2002	Foreign Priority Date	NONE
Word Mark	CHAMPION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 2002/01/16 First Use In Commerce: 2002/01/16 portable beverage and food coolers		

U.S. Registration No.	2704916	Application Date	10/28/1998
Registration Date	04/08/2003	Foreign Priority Date	NONE
Word Mark	CHAMPION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2002/11/19 First Use In Commerce: 2002/11/19 basketballs, footballs, volleyballs, baseballs, soccer balls		

U.S. Registration No.	2840536	Application Date	01/20/2000
Registration Date	05/11/2004	Foreign Priority Date	NONE
Word Mark	CHAMPION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2000/01/12 First Use In Commerce: 2000/01/12 Non-protective and non-safety eyewear, namely eyeglasses; eyeglass cases		

U.S. Registration No.	2905110	Application Date	11/06/2003
Registration Date	11/23/2004	Foreign Priority Date	NONE
Word Mark	CHAMPION		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 024. First use: First Use: 1999/07/29 First Use In Commerce: 1999/07/29 sheets
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U.S. Registration No.	2922905	Application Date	11/06/2003
Registration Date	02/01/2005	Foreign Priority Date	NONE
Word Mark	CHAMPION		
Design Mark			
Description of Mark	The mark consists of the word CHAMPION.		
Goods/Services	Class 024. First use: First Use: 1999/07/29 First Use In Commerce: 1999/07/29 sheets		

U.S. Registration No.	2933906	Application Date	01/10/2002
Registration Date	03/15/2005	Foreign Priority Date	NONE
Word Mark	CHAMPION ELITE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2002/09/30 First Use In Commerce: 2002/09/30 SHIRTS, SHORTS, PANTS, SWEATSHIRTS, SWEATPANTS, JACKETS, LEGGINGS T-SHIRTS, BRAS AND SPORT TOPS		

U.S. Registration No.	3000691	Application Date	06/25/2003
Registration Date	09/27/2005	Foreign Priority Date	NONE
Word Mark	CHAMPION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1972/08/01 First Use In Commerce: 1972/08/01 Retail store service, featuring apparel		

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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Randy Springer/
Name	Randel S. Springer, Esq.
Date	10/06/2008



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**In the Matter of Application Serial No. 78/948,106**

**Published on April 8, 2008**

**Mark: PLAY LIKE A CHAMPION TODAY**

**HBI BRANDED APPAREL ENTERPRISES, LLC,** )

**Opposer,** )

**v.** )

**PLAY LIKE A CHAMPION TODAY, INC.,** )

**Applicant.** )

**Opposition No. \_\_\_\_\_**

**NOTICE OF OPPOSITION**

Opposer HBI Branded Apparel Enterprises, LLC, a Delaware limited liability company having its principal place of business at 1000 East Hanes Mill Road, Winston-Salem, North Carolina (“Opposer”), believes it will be damaged by the registration of the mark PLAY LIKE A CHAMPION TODAY, published in the Official Gazette on April 8, 2008, for “hats; shirts,” in International Class 25, and hereby opposes same. As grounds for the opposition, it is alleged that:

1. Opposer is now, and its predecessors in interest and licensees have been, engaged in the manufacture, distribution, and sale of men’s, women’s, and children’s athletic apparel and other related products specifically directed to the field of athletics and sports.

2. Opposer is the record owner of the following registrations for the CHAMPION mark used alone or in conjunction with other words and designs (hereinafter the “CHAMPION Trademarks”):

<b>Mark</b>	<b>Registration Number</b>	<b>Date of Registration</b>	<b>Goods</b>
CHAMPION	274,178	8/19/30	Hosiery
CHAMPION (Stylized II)	584,362	1/5/54	Handball gloves, golf gloves, skiing gloves
IT TAKES A LITTLE MORE TO MAKE A CHAMPION	1,183,887	12/29/81	Athletic and physical education uniforms; namely, t-shirts, knit sport shirts, sweat pants, warm-up suits, jackets and sweaters
CHAMPION (Stylized)	1,756,925	3/9/93	Pants and shorts
CHAMPION (Stylized)	1,775,283	6/8/93	Swimwear
CHAMPION (Stylized)	1,819,014	2/1/94	Underwear and undershirts
CHAMPION (Stylized)	1,828,930	3/29/94	Clothing; namely, bathrobes, sleepwear, cover-ups, bras, parkas, and aerobic wear (tops and bottoms)
CHAMPION (Stylized)	1,860,938	11/1/94	Travel bags, athletic bags and backpacks; laundry bags; shirts, vests, shorts, windwear tops and bottoms, athletic uniforms, replica athletic jerseys, singlets and tights, belts, headbands, and waistbands
IT TAKES A LITTLE MORE TO MAKE A CHAMPION	1,886,122	3/28/95	Underwear and socks
CHAMPION LOGO	2,004,276	10/1/96	Socks
THE CHAMPION PERFORMANCE PROMISE & Design	2,072,524	6/17/97	Back packs, fanny packs, gym bags, tote bags
CHAMPION	2,319,994	2/22/00	Physical education uniforms, athletic Uniforms, sweatshirts, sweatpants, sweaters, t-shirts, socks, shorts, pants, jerseys, bathrobes, sleepwear, cover-

<b>Mark</b>	<b>Registration Number</b>	<b>Date of Registration</b>	<b>Goods</b>
			ups, bras, parkas, tops and bottoms used in aerobics, shirts, warm-up suits, jackets, vests, wind resistant pants and jackets, replica athletic jerseys, singlets, tights, belts, headbands, wristbands, underwear, hats, caps, tank tops
CHAMPION	2,357,827	6/13/00	Sunglasses
CHAMPION	2,370,478	7/25/00	Lanyards for use in holding eyeglasses, identification badges and keys
CHAMPION (Stylized)	2,388,031	9/19/00	Non-protective and non-safety eyewear, namely, eyeglasses and sunglasses
CHAMPION LYTE	2,460,374	6/12/01	Sports drinks, sugar-free sports drinks, non-carbonated soft drinks and sugar-free non-carbonated soft drinks
CHAMPION WOMAN	2,487,854	9/11/01	Sports bras, sports tops, ankle tights, leggings, bike shorts, t-shirts, jersey shorts, jersey pants, sweatshirts, sweatpants, wind jackets, wind pants, swimwear, running shorts
CHAMPION LOGO	2,607,910	8/13/02	Sports drinks, sugar-free sports drinks, non-carbonated soft drinks and sugar-free non-carbonated soft drinks
CHAMPION LOGO	2,704,916	4/8/03	Basketballs, footballs, volleyballs, baseballs, soccer balls
CHAMPION	2,840,536	5/11/04	Non-protective and non-safety eyewear, namely eyeglasses; eyeglasses cases

<b>Mark</b>	<b>Registration Number</b>	<b>Date of Registration</b>	<b>Goods</b>
CHAMPION	2,905,110	11/23/04	Sheets
CHAMPION LOGO	2,922,905	2/1/05	Sheets
CHAMPION ELITE	2,933,906	3/15/05	Shirts, shorts, pants, sweatshirts, sweatpants, jackets, leggings, t-shirts, bras and sport tops
CHAMPION LOGO	3,000,691	9/27/05	Retail store services, featuring apparel

The aforesaid registrations are valid and subsisting, unrevoked, and uncanceled, and Opposer is the owner of them and the marks shown thereby and all of the business and goodwill represented thereby.

3. For many years, and long prior to Applicant's filing date, Opposer, Opposer's predecessors in interest, and Opposer's licensees have continuously used the CHAMPION Trademarks in interstate commerce throughout the United States for the purpose of identifying Opposer's products and to distinguish those goods from the products of other manufacturers.

4. Ever since the adoption and use of the CHAMPION Trademarks as aforesaid, Opposer, Opposer's predecessors in interest, and Opposer's licensees have widely and extensively advertised and sold goods bearing said CHAMPION Trademarks. As a consequence of same, the consuming public and trade have come to recognize and do recognize the CHAMPION Trademarks as being used by Opposer or by a single source, and to associate and identify said marks with Opposer or with a single source, and Opposer derives substantial goodwill and value from the aforesaid identification by the consuming public and trade.

5. By the application herein opposed, Applicant seeks to register the mark PLAY LIKE A CHAMPION TODAY for “hats; shirts,” in International Class 25. Such goods are identical and closely related to the goods for which Opposer has registrations and upon which it uses the CHAMPION Trademarks.

6. Opposer’s CHAMPION Trademarks and Applicant’s PLAY LIKE A CHAMPION TODAY mark are confusingly similar in sight, sound, and meaning.

7. Applicant’s PLAY LIKE A CHAMPION TODAY mark is confusingly similar to Opposer’s CHAMPION Trademarks and is likely to cause confusion and mistake and to deceive, with consequent injury to Opposer, the consuming public, and the trade.

8. Opposer will be damaged by the registration sought by Applicant because such registration will support and assist Applicant in the confusing and misleading use of Applicant’s mark sought to be registered, and will give color and exclusive statutory right to Applicant in violation and derogation of prior and superior rights of Opposer.

9. In addition the foregoing, Applicant is estopped from seeking registration of the mark PLAY LIKE A CHAMPION TODAY under the doctrine of res judicata and/or collateral estoppel.

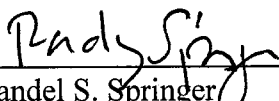
10. Applicant, a predecessor-in-interest to Applicant, or other party in privity with Applicant previously attempted to register the mark PLAY LIKE A CHAMPION TODAY for goods in International Class 25 under Serial No. 74/452,358 (“the ‘358 Application”). Opposer’s predecessor-in-interest opposed the ‘358 Application in Opposition No. 91097511 (“the Prior Opposition”). Specifically, Opposer’s predecessor-in-interest opposed the registration of the mark PLAY LIKE A CHAMPION TODAY for goods in International Class 25. The Prior Opposition was resolved by final judgment on the merits in favor of Opposer’s predecessor-in-

interest. Accordingly, Applicant is absolutely barred from again attempting to register the mark PLAY LIKE A CHAMPION TODAY for goods in International Class 25.

WHEREFORE, Opposer believes it will be damaged by registration of Applicant's mark and prays that registration be refused.

This 6<sup>th</sup> day of October, 2008.

Respectfully submitted,

  
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Randel S. Springer  
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Attorneys For HBI Branded Apparel Enterprises, LLC

**CERTIFICATE OF MAILING**

I do hereby certify that on October 6, 2008, I filed via electronic means (ESTTA) this  
NOTICE OF OPPOSITION with the:

U. S. Patent and Trademark Office  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

  
Victoria Thomas Sharpe

**CERTIFICATE OF SERVICE BY MAIL**

I do hereby certify that on October 6, 2008, I mailed by United States mail, first class postage prepaid, a true and correct copy of this NOTICE OF OPPOSITION to the last address known by the undersigned and the last address displayed on the United States Patent and Trademark Office TARR database, as follows:

Jason A. Houdek, Esquire  
Krieg Devault LLP  
1 Indiana Square, Ste 2800  
Indianapolis, IN 46204-2017

  
Victoria Thomas Sharpe